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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,898	12/27/2001	Jiani Hu		1239

7590 05/19/2005

Jiani Hu
29803 White Hall Dr.
Farmington Hills, MI 48331

EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,898

Applicant(s)

HU ET AL.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on 25 December 2001. Claims 1-3 are pending. Claims 1-3 are directed to a "Picture Archiving and Communication System (PACS) with a Distributed Architecture."

Claim Objections

2. Claims 1, 2 and 3 are objected to because of the following informalities: According to MPEP 608.01(m) each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US 6,260,021) in view of Patel et al. (US 6,529,757).

Wong teaches the invention substantially as claimed including an object-oriented system and method for easily and rapidly distributing medical images from existing picture and report storage systems to a plurality of heterogeneous client workstations. (See abstract.)

Claim 1:

A picture archiving and communication system for managing medical images in a hospital, comprising: (See Fig. 1)

- (a) a plurality of image diagnostic systems, each providing an authorized user with medical image data generated by a modality based on signals derived from a patient, (See Fig. 1 (14))
- (b) a central archiving system, for long-term storing said medical image data, (See Fig. 2 (62))
- (c) a coordinator, for coordinating data transfer among said image diagnostic systems and said central archiving system. (See Fig. 2 (52))
- (d) first network, providing the means for transferring said medical image data of said patient to the image diagnostic systems for said modality, (See Fig. 1 (26, 28) and col. 7, lines 29-37)
- (e) second network, providing the means for transferring said medical image data to said central archiving system from said first network, to said image diagnostic systems from said central archiving system, and(See Fig. 1 (32) and col. 7, lines 38-58)
- (f) means for said image diagnostic systems for said modality automatically receiving said medical image data once generated by said modality, and said central archiving system automatically receiving said medical image data when traffic in said second network is low. Whereby said second network traffic can be reduced during network peak hours.

Wong teaches a computer-based medical image distribution system and method but does not expressly disclose the limitations recited in element (f). However, Patel does the limitations of element (f). (See abstract and col. 3, lines 8-28; 43-63.) (network bandwidth efficiency is interpreted as using the network when traffic is low.) Hence, it would have obvious for an artisan of ordinary skill in the art to combine the computer-based medical image distribution system taught by Wong with the Picture Archiving and Communication System disclosed by Patel because this system would provide efficacy by improving imaging flexibility at a less expensive equipment and networking cost

Claim 2:

The picture archiving and communication system of claim 1 wherein said second network is an already existing network for said hospital. whereby the need for building said second network for said picture archiving and communication system is eliminated. (See Fig. 1 (14), (16)).

Claim 3:

The picture archiving and communication system of claim 1 wherein said first network is a wired network, a wireless network, or a mixture of the two. Whereby difficulties of physically installing networking cable for said first network could be alleviated.

As for above claim, "Official Notice" is taken that the use of wired network, or wireless network is well known and expected in the art. It would have been obvious to use wired network, or wireless network as a transport system for data such as image diagnostic data since it is a well known and established process in the art.

Conclusion

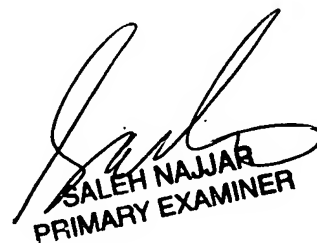
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy, Esq.
Patent Examiner
Art Unit 2157

EC
May 11, 2005


SALEH NAJJAR
PRIMARY EXAMINER